

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

★ NOV 15 2021 ★

LONG ISLAND OFFICE

EVERARD WILLIAMS

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

LKQ CORPORATION

SHAH ROOZ MOREH

MICHAEL KETRICK

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**Complaint for Employment
Discrimination**

Case No.

CV 21 6310

(to be filled in by the Clerk's Office)

Jury Trial:

☒ Yes ☐ No

(check one)

BROWN, J.

SHIELDS, M.J.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Everard Williams
Street Address	187 Fir Street
City and County	Valley Stream Nassau County
State and Zip Code	N.Y. 11580
Telephone Number	(516) 589-9344
E-mail Address	everard-williams@hotmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	SHAHROOZ MOREH
Job or Title (if known)	GENERAL MANAGER
Street Address	149 CAFAYETTE DRIVE
City and County	SYOSSET NASSAU COUNTY
State and Zip Code	NY 11791
Telephone Number	(516) 364-1355
E-mail Address (if known)	smoreh@lkqcorp.com

Defendant No. 2

Name	MICHAEL KETRICK
Job or Title (if known)	AREA SALES MANAGER
Street Address	149 CAFAYETTE DRIVE
City and County	SYOSSET NASSAU COUNTY
	NY 11791
	(516) 364-1355
	2 MJKetrick@lkqcorp.com

State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known) _____

Defendant No. 3

Name LKQ Corporation
Job or Title _____
(if known) _____
Street Address City 149 Lafayette Drive
and County State Syosset Nassau County
and Zip Code NY 11791
Telephone Number (516) 364-1355
E-mail Address _____
(if known) _____

Defendant No. 4

Name _____
Job or Title _____
(if known) _____
Street Address City _____
and County State _____
and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

State and Zip Code NY 11791
Telephone Number (516) 364 - 1355
E-mail Address Mike.trick@lkqcorp.com
(if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name LKQ CORPORATION
Street Address 149 CAYENNE DRIVE
City and County SYOSSET NASSAU COUNTY
State and Zip Code NY 11791
Telephone Number (516) 364 - 1355

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Other federal law (*specify the federal law*):

☐ Relevant state law (*specify, if known*):

☐ Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☒ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts (*specify*): FAIR LABOR STANDARDS ACT

(*Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.*)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

3-26-20, 2-65-20, 2-66-20, 2-02-18, 11-06-17, 11-15-17, 9-01-17

C. I believe that defendant(s) (check one):

- ☒ is/are still committing these acts against me.
☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☒ race BLACK
☒ color BLACK
☒ gender/sex MALE
☒ religion CHRISTIANITY
☒ national origin BAHAMAS
☐ age. My year of birth is 1972. (Give your year of birth only if you are asserting a claim of age discrimination.)
☒ disability or perceived disability (specify disability)
Auto accident, bulging disc in neck, pinched nerve in back, rattle

E. The facts of my case are as follows. Attach additional pages if needed.

Please See attached. — Pay Disparity for less qualified employee.
LKP Shahrooz Moeh, Michael Ketrick ignored complaints
and cover up to silenced Edward Williams. Traffic tickets was paid
by Plaintiff and no other employees. Pay and commissions missing
and not paid. LKP made no attempts to accommodate disability,
even though Plaintiff work remotely before factored in.
Job task was given tremendous load and pay taken away.
Shahrooz Moeh intentionally delayed filing a Workers Comp.
claim. Complaints to HR went unresolved even though there
was an official complaint to Beth Preston & Jan Lombardi.
Shahrooz Moeh denied Plaintiff evaluation, pay increase, copy
previous evaluation, did not present report to discuss and sign off on
report. Reduction of pay, unequal treatment in pay and job description
(Note: As additional support for the facts of your claim, you may attach to this
complaint a copy of your charge filed with the Equal Employment Opportunity
Commission, or the charge filed with the relevant state or city human rights
division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

11-10-20

- B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on (date)
AUGUST 31ST 2021

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☒ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff seeks ① Economic damages/lost wages for unlawful behavior and retaliatory conduct. ② Compensatory damages - loss of enjoyment of life, mental anguish, emotional harm and inconvenience. ③ Liquidated damages - for wage violations. ④ Attorney fee / cost for Court care. ⑤ Punitive damages - Defendant acted with malice, knowing disregard for Plaintiff's rights. Total Relief Plaintiff seeks is \$350,000. Three hundred and fifty thousand (\$).

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11-14, 2021.

Signature of Plaintiff

Printed Name of Plaintiff

Everard Williams

EVERARD WILLIAMS

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Everard Williams**
187 Fir Street
Valley Stream, NY 11580

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2021-00627

Holly M. Shabazz,
State & Local Program Manager

(929) 506-5316**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**
☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☐

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



August 26, 2021

Enclosures(s)

Judy A. Keenan,
District Director

(Date Issued)

cc: **Attn: Director of Human Resources**
LKQ CORPORATION
149 Lafayette Drive
Syosset, NY 11791

**New York State Division of Human Rights
Employment Complaint Form**

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

1. Your contact information:											
First Name <u>WILLIAMS EVERARD</u>		Middle Initial/Name									
Last Name <u>WILLIAMS</u>											
Street Address/ PO Box <u>187 FIR STREET</u>		Apt or Floor #:									
City <u>VALLEY STREAM</u>		State <u>NY</u>	Zip Code <u>11580</u>								
If you are filing on behalf of another, provide the name of that person:		Date of birth:	Relationship:								
2. Regulated Areas: Check the area where the discrimination occurred: (If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.) <table style="width:100%; margin-top: 10px;"> <tr> <td><input checked="" type="checkbox"/> Employment (including paid internship)</td> <td><input type="checkbox"/> by a Labor Organization</td> </tr> <tr> <td><input type="checkbox"/> Internship (unpaid)</td> <td><input type="checkbox"/> Apprentice Training</td> </tr> <tr> <td><input type="checkbox"/> Contract Work (independent contractor, or work for a contractor)</td> <td><input type="checkbox"/> by a Temp or Employment Agency</td> </tr> <tr> <td><input type="checkbox"/> Volunteer Position</td> <td><input type="checkbox"/> Licensing</td> </tr> </table>				<input checked="" type="checkbox"/> Employment (including paid internship)	<input type="checkbox"/> by a Labor Organization	<input type="checkbox"/> Internship (unpaid)	<input type="checkbox"/> Apprentice Training	<input type="checkbox"/> Contract Work (independent contractor, or work for a contractor)	<input type="checkbox"/> by a Temp or Employment Agency	<input type="checkbox"/> Volunteer Position	<input type="checkbox"/> Licensing
<input checked="" type="checkbox"/> Employment (including paid internship)	<input type="checkbox"/> by a Labor Organization										
<input type="checkbox"/> Internship (unpaid)	<input type="checkbox"/> Apprentice Training										
<input type="checkbox"/> Contract Work (independent contractor, or work for a contractor)	<input type="checkbox"/> by a Temp or Employment Agency										
<input type="checkbox"/> Volunteer Position	<input type="checkbox"/> Licensing										
3. You are filing a complaint against:											
Employer, Worksite, Agency or Union Name <u>LKQ CORPORATION</u>											
Street Address/ PO Box <u>149 LAFAYETTE DRIVE</u>											
City <u>SYOSSET</u>		State <u>NY</u>	Zip Code <u>11791</u>								
Telephone Number: <u>(516) 364-1355</u>											
In what county or borough did the violation take place? <u>NASSAU COUNTY</u>											
Individual people who discriminated against you:											
Name: <u>SHAHROOZ MOREH</u>		Title: <u>GENERAL MANAGER</u>									
Name: <u>MICHAEL RETRICK</u>		Title: <u>AREA SALES MANAGER</u>									
If you need more space, please list them on a separate piece of paper.											
4. Date of alleged discrimination (must be within one year of filing):											
The most recent act of discrimination happened on: <u>3</u> <u>26</u> <u>2020</u> (date of <u>burglary</u>) month day year											
5. For employment and internships, how many employees does this company have?											
<input type="checkbox"/> 1-14 <input type="checkbox"/> 15-19 <input checked="" type="checkbox"/> 20 or more <input type="checkbox"/> Don't know											

Additional Information, Page 1: This page is for the Division's records and will not be sent to the company or person(s) whom you are filing against.

1. Contact information

My primary telephone number:

(516) 589-9344

My secondary telephone number:

~~WILLIAM WILLIAMS - WILLIAMS~~ SAME

My date of birth:

3/29/1972

(Required) My email address:

everard_williams@hotmail.com

The Division uses email, whenever possible, to communicate with the parties to complaints. This avoids delays and lost mail, and increases the efficiency of Division case processing. Therefore, you are required to provide an email address, if you have one, and to keep us advised of any change of your email address. The Division will not use your email address for any non-case related matters.

Contact person (Someone who does not live with you but will know how to contact you if we cannot reach you)

Contact person's name:

DOUG WALTON

Contact person's telephone number:

908 963 2380

Contact person's address

P.O. Box 6661 HILLSBOROUGH NJ 08844

Contact person's email address:

employmentmatters@aol.com

Contact person's relationship to me:

CONSULTANT

2. Special needs: I am in need of:

- ☐ Interpretation (if so what language?): _____
- ☐ Accommodations for a disability: _____
- ☐ Privacy: Keep my contact information confidential as I am a victim of domestic violence
- ☐ Other: _____

3. Settlement / Conciliation: To settle this complaint, I would accept:

(Explain what you want to happen as a result of this complaint. Do you want a letter of apology, job offer, return to the job, an end to the harassment, compensation, etc.?)

back pay, end to harassment, discrimination and retaliation, adjustment of duties, reasonable pay, reimbursement for pay in ticket

4. Witnesses (information about witnesses may be shared with the parties as necessary for the investigation) The following people saw or heard the discrimination and can act as witnesses:

Name: Steven Arnato

Telephone Number: 631 796 6984

What did this person witness?

Title: Sales Manager (former)

Relationship to me: colleague

disparate treatment of me received + pay ticket; compensation & commission issue; harassment by management; disproportionate discipline

Name: DAN KERN

Telephone Number: (631) 626-0830

What did this person witness?

Title: PBE Sales Representative

Relationship to me: colleague

SAME AS STEVEN ARNATO

6. Are you currently working for this company?	
<input checked="" type="checkbox"/> Yes. Date of hire: <u>02</u> / <u>02</u> / <u>2015</u> <div style="text-align: center;">month day year</div>	What is your position? <u>PBE Sales Representative</u>
<input type="checkbox"/> No. Last day of work: _____ <div style="text-align: center;">month day year</div>	What was your position?
<input type="checkbox"/> I was never hired. Date of application: _____ <div style="text-align: center;">month day year</div>	What position did you apply for?

7. Basis of alleged discrimination:	
Check ONLY the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.	
<input checked="" type="checkbox"/> Age: Date of Birth: <u>3/29/1972</u>	<input type="checkbox"/> Familial Status:
<input type="checkbox"/> Arrest Record	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input type="checkbox"/> National Origin: Please specify: _____
<input checked="" type="checkbox"/> Disability: Please specify: _____	<input type="checkbox"/> Predisposing Genetic Characteristic:
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input checked="" type="checkbox"/> Race/Color or Ethnicity: Please specify: <u>BLACK</u> <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle	<input type="checkbox"/> Sex: Please specify: _____ Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Use of Guide Dog, Hearing Dog, or Service Dog	
If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:	
<input checked="" type="checkbox"/> Retaliation: How did you oppose discrimination: <u>numerous complaints to management and to both parties in Human Resources February 2020</u>	
If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.	
<input type="checkbox"/> Relationship or association	

8. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

<input type="checkbox"/> Refused to hire me	<input type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition	<input type="checkbox"/> Sexual harassment
<input type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for domestic violence	<input checked="" type="checkbox"/> Harassed or intimidated me on any basis indicated above
<input type="checkbox"/> Demoted me	<input checked="" type="checkbox"/> Did not call back after lay-off (<i>Furlough</i>)	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Denied services or treated differently by a temp or employment agency
<input checked="" type="checkbox"/> Denied me promotion/ pay raise	<input checked="" type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input checked="" type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Denied a license by a licensing agency
<input type="checkbox"/> Denied me training	<input checked="" type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Discriminatory advertisement or inquiry or job application	<input type="checkbox"/> Other:

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

*Please see attached 4-page statement with
attachment.*

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Notarization of Complaint

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL _____

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

Edward Wilkain

Sign your full legal name

Subscribed and sworn before me

This 10th day of November, 2020

Robert M. Devivo

Signature of Notary Public

ROBERT M. DEVIVO
NOTARY PUBLIC, STATE OF N.Y.
NO. 01DE5046935, NASSAU CNTY
COMMISSION EXP. JULY 24, 2021

County: NASSAU Commission expires: JULY 24, 2021

Please note: Once this form is completed, notarized, and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.



Division of Human Rights

Employment Discrimination Complaint Form

(Includes Licensing, Contract Work, Internships, Volunteer Position, Discrimination by a Union)

Instructions

1) Please fill out the complaint form, answering all of the questions. If you are filling out the form on a computer, please print it immediately when you are finished. **You may not be able to save the completed form.** If possible, please type. If you are filling out the form by hand, please print. ***Please do not write in the margins or on the back of this form.***

Please note: A delay could occur in the filing and the investigation of your complaint if the form is not filled out properly or if the information you provide is not legible.

2) After you fill out the form, please have this complaint form notarized. Please contact our office if you have questions about notarization (see below). Notary services are available at the Division free of charge. If you are unable to come to one of our offices, and are otherwise unable to obtain notarization, please contact one of our offices for further information.

3) Attach copies of any documents that you think will help the Division investigate your case (pay stubs, letter of termination, performance evaluations, disciplinary notices, etc.).

4) Return the complaint form to the office closest to you. See below for the list of office locations. You may return the complaint by postal mail or personal delivery. You may also email your complaint to complaints@dhr.ny.gov or fax it to (718) 741-8322.

5) Keep a copy of your complaint, and copies of any documents that you attach, for your own records.

6) The completed and notarized complaint must be returned to the Division promptly. After the Division accepts your complaint, this form will be sent to the company or person(s) whom you are charging with discrimination.

Time Limit for Filing

Please note: You must file your complaint within **one year** of the most recent act of alleged discrimination. If you were terminated, you must file within one year of the date you were first informed you would be terminated.

If you need further assistance or require an accommodation for a disability, please call one of our offices, make an appointment for a personal meeting or visit our website at www.dhr.ny.gov/complaint. Interpreter services are also available at no cost upon request.

NYS Division of Human Rights Offices

Albany

Agency Building 1, 2nd Floor
Empire State Plaza
Albany, New York 12220
Telephone No. (518) 474-2705

Binghamton

44 Hawley Street, Room 603
Binghamton, New York 13901
Telephone No. (607) 721-8467

Bronx Central Office

One Fordham Plaza, 4th Floor
Bronx, NY 10458
Telephone No. (718) 741-8400

Brooklyn

55 Hanson Place, Room 304
Brooklyn, New York 11217
Telephone No. (718) 722-2385

Buffalo

Walter J. Mahoney State Office Bldg.
65 Court Street, Suite 506
Buffalo, New York 14202
Telephone No. (716) 847-7632

Long Island (Nassau)

50 Clinton Street, Suite 301
Hempstead, New York 11550
Telephone No. (516) 539-6848

Long Island (Suffolk)

250 Veterans Memorial Highway,
Suite 2B-49
Hauppauge, New York 11788
Telephone No. (631) 952-6434

Manhattan

Adam Clayton Powell Jr. State Off. Bldg.
163 West 125th Street, 4th Floor
New York, New York 10027
Telephone No. (212) 961-8650

Office of Sexual Harassment Issues/Queens

55 Hanson Place, Room 900
Brooklyn, New York 11217
Telephone No. (718) 722-2060

Rochester

One Monroe Square
259 Monroe Avenue, Suite 308
Rochester, New York 14607
Telephone No. (585) 238-8250

Syracuse

John J. Hughes State Office Building
333 E. Washington Street, Room 543
Syracuse, New York 13202
Telephone No. (315) 428-4633

White Plains

7-11 South Broadway, Suite 314
White Plains, New York 10601
Telephone No. (914) 989-3120

Additional Information, Page Two

5. Did you report or complain about the discrimination to someone else? ☒ Yes ☐ No

If yes, how exactly did you complain about the discrimination? (To whom did you complain?)

VARIOUS EMAILS TO GENERAL MANAGER, SALES MANAGERS
AND HUMAN RESOURCES MANAGERS, (SEE ATTACHED)

Date you reported or complained about discrimination:

02
month

06
day

2020
year

What happened after you complained?

nothing - no response to complaints to both Preston, Human
Resources. LATER FULCRUMED IN RETALIATION FOR
COMPLAINT IN MARCH 2020.

If you did not report the discrimination, please explain why:

6. Were other people treated the same as you? How?

(For example, people who were harassed by the same manager, disciplined or terminated for the same reasons, did not receive an accommodation for the same reasons, etc.).

If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, religions, etc.

N/A I was only Black PBE SALES REPRESENTATIVE
AND ONLY ONE OVER 40 YEARS OF AGE.

7. Were other people treated better than you? How?

(For example, people who were not fired for doing the same thing you were fired for, people who were doing the same job but making more money, etc.).

If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, religions, etc.

Everard Williams was hired by LKQ Corporation on February 2, 2015. Williams has 25 years' experience in the auto body, repair and finish industry. He remains actively employed with LKQ but currently is on a short-term disability leave at this time.

Williams was hired by LKQ as an Inside Sales Coordinator. His duties included servicing customers' needs who come to the facility in person or contact the company through various means such as email, telephone or fax. His starting compensation was \$17.00 per hour and he was eligible for overtime pay under the Fair Labor Standards Act. Williams was quickly promoted to "Inside Sales Supervisor" in June 2015. The Company changed his exempt status illegally from non-exempt to exempt. Williams remained in this position from June 2015 through January 2016 however did not supervise anyone. LKQ unlawfully made him exempt as he neither passed the supervisory or administrative tests for overtime exemption under the Fair Labor Standards Act. He worked an average of 48 hours per week during this time period.

Williams was transferred away from the Inside Coordinator function to be outside sales role effective January, 2016. His compensation was ultimately changed to \$64,0000 year. His new position was in the PBE (Paint, Body and Equipment) division and he reported to District Manager, James Greer. Williams' responsibilities included servicing customers in the collision and auto body repair business with a line of products for LKQ including paint and other supplies including technical support services. Williams was now required to travel to these locations and his territory included all of Long Island, and parts of Brooklyn and Queens.

Immediately, Williams began experiencing success in his new role. In the third quarter 2016 he achieved 102% of his sales plan goals earning commissions and incentives of \$2,225. Williams began experiencing difficulties though immediately with workplace fairness and discriminatory actions by his managers/employer. Williams voiced concerns to Michael Ketrack, Area Sales Manager as to accounts he formerly serviced that were not assigned to him and instead assigned to others. Williams had built revenue with these customers yet management decided to assign them to other representatives (see email dated November 22, 2016). Since Williams' incentive compensation is built upon revenue generation this also hurt him economically. Williams received no resolution to this matter and his concerns were ignored. These accounts were assigned to various managers all who were Caucasian males.

Williams continued to experience difficulties with calculation of commissions while in his outside sales representative position. Throughout his employment Williams was required to ask for clarification on calculations with payouts as he found multiple errors and discrepancies. He wrote Jan Lombardi in Human Resources on September 1, 2017 regarding his calculation of commission in Q2 2017. He asked for her assistance as he felt he was not receiving honest answers from his supervisor, Mike Ketrack. He was also concerned about retaliation for being labeled a "complainer". (see email dated September 1, 2017) While the immediate commission amount was rectified and paid, Williams continued to endure problems with his supervision including miscalculations of his commission owed.

Williams also experienced complaints from customers regarding lack of company technical support and resources. Williams continuously through his employment raised these issues to his managers to get them rectified as many of his assigned customers were complaining not about Williams but about the lack of company support. Issues included product not being delivered timely, lack of technical support for the product once purchased, and Accounts Receivable errors. Williams alerted management to the fact that these valued customers were unsettled and were beginning to speak with competitors and that business may be lost. Ultimately, management did nothing to rectify these issues. (see email dated September 17, 2018 and May 16, 2019)

When Williams began as an Outside Sales Representative there was a separate position dedicated to providing technical assistance for customers. This position was filled by Dan O'Neal who worked for approximately one year. He was replaced by Joe Tabares who also worked for a year but left the company. Another Technical Representative was James Avila who worked for 1 year and ultimately was fired in April 2018. After these employees left LKQ, the position was not replaced. Other LKQ locations in New York and New Jersey had this position in their budget providing Outside Sales Representatives an opportunity to focus on expanding existing sales, product lines and prospecting for new business. LKQ management at the Syosset, NY location stubbornly refused to fill the vacant position. Williams even provided his Area Sales Manager and General Manager qualified candidates to interview for this position and the job remained unfilled. This put additional pressure on Williams to perform two jobs for his customers instead of one. (see email to Sharhrooz Moreh dated September 18, 2019)

Within the PBE Northeast division of five separate locations, Williams is the only minority as all others are of different race, ethnicity and national origin. Williams was and continues to be the sole Black outside sales representative within company's Northeast PBE division. Further, the company decided to expand his number of customers and territory size to three New York City boroughs and all of Long Island despite not having the assistance of the Technical Support Representative. The other PBE sales representative was allowed to only work one county in Long Island (Suffolk) whereas Williams has the remaining counties which was disproportionate. Williams' counterparts had a significantly smaller territory and number of customers. This ultimately made it impossible for Williams to perform his responsibilities given this breadth. He made appeals to his managers to correct this situation but to no avail.

On January 28, 2020, Williams was involved in a motor vehicle accident while working and servicing customers. (see Net Claim Auto Liability report) Williams drove a company car to customers and suffered bodily injuries of various types rendering him temporarily disabled. (the workers' compensation matter continues to be litigated to date) Williams made multiple efforts for his manager, Moreh, to file a workers' compensation report. Moreh stalled and delayed as Williams later found out that auto liability and workers' compensation costs are subtracted from profits made by the location. Moreh did not want this to hurt his personal incentive compensation. Ultimately

the claim was filed but beyond the statutory number of days following the accident. LKQ was assessed a penalty for late filing by the state. (See email dated February 4, 2020 to Shahrooz Moreh)

These events culminated in a heated discussion between Williams and Moreh on February 6, 2020. Williams was not getting straight answers from Moreh regarding the filing of the workers' compensation claim among other issues. Meanwhile Williams is attempting to navigate getting medical attention for his injuries from the car accident, receive a workers' compensation claim number and being harassed by Moreh throughout the process. This compelled Williams to reach out to Human Resources Manager, Beth Preston on February 6, 2020. (see email of same date) Williams complained about harassment and discrimination to Preston and that Moreh was creating a hostile work environment. Williams also sent a follow up email to Preston in Human Resources on February 10, 2020. Ultimately it was determined that Williams was disabled through February 19, 2020. (see disability note from medical provider dated February 12, 2020)

Preston did not complete her investigation nor ever replied to Williams. Williams was asked to return "light duty" on February 19, 2020. Williams complied and given his restrictions was only able to work inside the facility, only able to drive short distances and no lifting over 20 pounds. He had to take breaks from sitting for a half hour duration making phone calls and working on the computer. This light duty continued until Williams was told that he was being placed on furlough as of March 26, 2020. (see attached furlough letter dated March 26, 2020). Please see Company's policies regarding complaints of harassment and discrimination that were not executed by Preston. The Company did not follow its own policies in this regard despite Williams' complaints.

Examples of Disparate Treatment based on Race, National Origin, Disability and Age

1. Williams was solely required to pay a motor vehicle summons/ticket while other similarly situated employees' tickets were paid by the Company.
2. Other Outside Sales Representatives were paid a much higher salary than Williams despite Williams' extensive experience in the auto body, repair and refinish industry. One example is Dan Kern who was transferred into the PBE division from being a Truck Driver. His compensation was \$20000 higher than Williams even though he had no experience in auto body, repair and refinish industry. In fact, Williams provided training for him for four months. Ultimately Kern was involuntarily terminated for poor sales performance. Kern will attest to this fact as he is no longer employed by LKQ.
3. As mentioned above Williams was provided no technical rep assistance at his request from Moreh to service customers. Other sales representatives were able to get technical support from outside the region. They are Dan Kern, Adam Heap, Travis Perry and Chris Klimchuk. All are Caucasian males under 40 years of age and were given this technical assistance while Williams was not provided the same resource.

4. Williams experienced delays and problems with his incentive compensation despite posting excellent sales revenues. Other sales representatives did not experience these same difficulties.
5. Williams had a significantly larger territory and more customers and received no assistance or support from management including Moreh himself.
6. Williams did not receive a year end performance review from Moreh nor any merit adjustment in 2019/2020 while other outside sales representatives did.
7. Williams was not asked to return to work until October 2020 off of furlough while other representatives were returned earlier. There is no business justification for the delay. Williams is still experiencing disability issues from the workers' compensation accident as well as other personal medical issues preventing him from working currently.

In summary, LKQ Corporation has discriminated and harassed Williams because of his race, ethnicity, national origin, age and disability. Other similarly situated employees who were non-minorities and under 40 years of age received the assistance of a Technical Representative, had smaller territories and higher compensation than Williams. They also did not experience difficulties with commissions as outlined above. Further LKQ through manager, Moreh has retaliated against Williams after his automotive injury and delayed an offer intentionally to hurt him economically while on furlough while treating others more advantageously. This is discrimination based on his disability, race, national origin and age. His compensation issues have run throughout his employment including violations of FLSA and pay equity laws.

Williams seeks a make whole remedy for this unlawful behavior including equitable compensation retroactively, back pay and reimbursement for missing commissions and out of pocket expenses incurred. He also seeks front pay and punitive damages against this employer for their bad faith and illegal actions under Title VII and Americans with Disability Act.

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: Payroll.
Date: Sat, Oct 3, 2020 1:21 pm

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Wednesday, February 1, 2017 7:20 PM
To: everard_williams@hotmail.com <everard_williams@hotmail.com>
Subject: FW: Payroll.

-----Original Message-----

From: Everard Williams
Sent: Friday, July 22, 2016 8:03 AM
To: James Greer
Subject: Payroll.

Good morning Jim,
Today is another day that my pay have not been adjusted to the new salary amount we agreed on since May 23rd. I've been very patient in waiting for this adjustment, and now i have to also wait for the retro amount . I am also worried about my salary increased not being approved from the VP like I was told, and therefore my opportunity that was in hand has now disappeared. Jim I know you have been extremely busy with all the changes and also filling the various positions around the different territories, but this is a very unfair situation and I need that money today, I really shouldn't have to explained why i need it today, but that is the reality of it. Again I'm not here to bring any additional stress, but I need to get this corrected. Thank you Jim.

Everard Williams
PBE Sales Representative
LKQ / Keystone Automotive
149 Lafayette Drive
Syosset, NY 11791.
Cell : 516-296-0394
Fax: 516-364-1977

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: ACCOUNTS...
Date: Sat, Oct 3, 2020 1:20 pm

Attachments:

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Wednesday, February 1, 2017 7:44 PM
To: everard_williams@hotmail.com <everard_williams@hotmail.com>
Subject: FW: ACCOUNTS...

From: Everard Williams
Sent: Tuesday, November 22, 2016 10:19 AM
To: Michael Ketrick
Subject: ACCOUNTS...

Mike,
No disrespect to you ,but im getting jerked around here .This list maybe only have two legitimate paint accounts on it and the rest of them are either PBE or accounts that have been closed .ALL other paint accounts that either I got installed, and the ones i have being servicing are all assigned to Dan Kern .Mike I would rather you take the time and come up to Syosset to discussed this matter in person. Thank you.

Everard Williams
PBE Sales
LKQ/Keystone- 339 Syosset, NY
149 Lafayette Drive, 11791
(W): 516.730.3035
(F): 516.364.1977
(M): 516.296.0394
Evawilliams@LKQCorp.com



From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: Commissions - 2nd Quarter.. HR DEPARTMENT.
Date: Sat, Oct 3, 2020 1:19 pm

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Friday, September 1, 2017 9:20 AM
To: Jan Lombardi <jlombardi@LKQCORP.com>
Subject: Commissions - 2nd Quarter..

Good Morning Jan,

I am reaching out to you at this moment as my last resort. This is the first time that I have contacted you about this matter, because in the past i didnt want to get labeled a complainer or a problem, for just inquiring about my money. In fact ,I have being experiencing compensation issues all along. I am a bit worried for reaching out to you, because of any potential backlash or so called being blacklisted for bringing this problem to the surface.

Jan I cannot go on the record to speak for anyone else ,but I can tell you that I am not alone with the frustrations and headaches on this matter. My request today is to get my 2nd Quarter commission paid via my ADP line card. This has been done on a couple of occasions, so I know it is quite possible.

I am not getting any credible answers or follow ups from Mike Ketrick on this, like I said before, this is not the first/second/third /fourth time etc, I have been in this position. This email is not to have any feathers ruffed, but my hope is that ,your department can work with the necessary powers and correct and communicate much better on this issue. Thank you very much..

Everard Williams
PBE Sales Representative
LKQ / Keystone Automotive
149 Lafayette Drive
Syosset, NY 11791.
Cell : 516-296-0394
Fax: 516-364-1977

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: Pbe Compensation Summary..
Date: Sat, Oct 3, 2020 1:19 pm

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Monday, November 6, 2017 1:56 PM
To: Michael Ketrick <mjketrick@LKQCORP.com>
Subject: Pbe Compensation Summary..

Mike,
When you was here last week, I asked about this plan. The 3rd Quarter was attained at 120.912 % and my payout was showing \$1625. This is what I mentioned saying the amount reflects the old pay scale. Now I'm looking at the Compensation Summary and it's showing a payout of \$1006.00. There is a manual adjustment of \$619.00 in there. I don't know why, because it would bring it back to \$1625, old pay rate. My calculation with the correct rate should be \$1706.12. Please get back to me to clear this up in time to get paid this week or next. Thank you Mike.

Everard Williams
PBE Sales Representative
LKQ / Keystone Automotive
149 Lafayette Drive
Syosset, NY 11791.
Cell : 516-296-0394
Fax: 516-364-1977

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: Commissions 3rd Quarter.
Date: Sat, Oct 3, 2020 1:19 pm

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Monday, November 13, 2017 8:25 AM
To: Michael Ketrick <mjketrick@LKQCORP.com>
Subject: Commissions 3rd Quarter.

Mike,
Hey can you follow up on the balance of my commission from this past pay period. Thank you.

Everard Williams
PBE Sales Representative
LKQ / Keystone Automotive
149 Lafayette Drive
Syosset, NY 11791.
Cell : 516-296-0394
Fax: 516-364-1977

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: Collision Solutions
Date: Sat, Oct 3, 2020 1:18 pm

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Wednesday, November 15, 2017 10:34 PM
To: Michael Ketrick <mjketrick@LKQCORP.com>
Cc: Patrick Feeney <pfeeney@LKQCORP.com>
Subject: Collision Solutions

Mike ,
I would like to know if you can get Jim our Technical Rep. to help us out by getting the Wanda machine taken out from the paint room, and helping out verifying the equipment, toners before we go in for the installation, I just want to be prepared . Tomorrow i am back at Impressive again for the 3rd time this week, but for the PPS conversion.

Fyi, I haven't heard back from you on my balance of pay from the 3rd quarter. Thank you.

Everard Williams
PBE Sales Representative
LKQ / Keystone Automotive
149 Lafayette Drive
Syosset, NY 11791.
Cell : 516-296-0394
Fax: 516-364-1977

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: 12-04 Meeting with Pat Feeney
Date: Sat, Oct 3, 2020 1:22 pm

*Regards,
Everard Williams*

From: everard williams <everard_williams@hotmail.com>
Sent: Friday, December 4, 2015 1:47 PM
To: everard williams <everard_williams@hotmail.com>
Subject: 12-04 Meeting with Pat Feeney

I had a meeting with Pat to address some concerns about the bonus money missing from the last two paycheck (\$1000 total) it was taxed, he is going to fix that problem for the next two pay period. Also we discussed the new position of outside salesman and have to speak with Jim Greer about the salary not being where it need to be, referencing Willy salary.



May 20, 2016

Mr. Everard Williams
187 Fir Street
Valley Stream, NY 11580

RE: Offer letter

Mr. Williams:

This letter is to confirm the salary increase per our conversation on May 20, 2016. The annual salary will be \$64,000.

A bonus program has been provided to show what can be earned. The bonus is based upon revenue growth to budget. You can make up to 20% of your salary if you max out and the program starts paying out at 95% of plan and maxes out at 110% of plan. Please review program and let us know if you have any questions. On top of the sales bonus program there will be a mixing machine bonus program that will pay out quarterly and will for \$100 per net tech on each MM win. This program will begin on July 1, 2016. You will be trued up from the beginning of the year on both the sales program and MM program.

If you have any questions on this program please don't hesitate to call me.

Sincerely,

Jim Greer
Regional PBE Manager
Keystone Automotive



Old & Recycled - Alternative by Keystone

PBE Sales Rep

- Paid quarterly up to 10% and then an annual payout for all dollars over budget
- Based on a percentage of annual salary
- Payout hurdles (1% increments between each target)

Percent of Budget	Bonus Payout
95%	5%
100%	10%
110%	20%

- Target details
 - 100% on budgeted net invoice revenue of assigned customers (Product Groups 2, 3 & 5)
- Net Mixing machine install bonus:
 - Paid quarterly
 - Based on 100.00 per net technician won
 - Min 4 technician account to qualify

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: ACCOUNTS...
Date: Sat, Oct 3, 2020 1:20 pm

Attachments:

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Wednesday, February 1, 2017 7:43 PM
To: everard_williams@hotmail.com <everard_williams@hotmail.com>
Subject: FW: ACCOUNTS...

From: Everard Williams
Sent: Tuesday, November 22, 2016 4:13 PM
To: Michael Ketrick
Subject: ACCOUNTS...

Mike here is a couple of accounts in my opinion should be mine .I have been servicing them along with the fact of me getting two of them from day one.

- 1)impressive auto-body
- 2)all star collision
- 3(hill street collision
- 4)jerome's auto-body
- 5)casino towing
- 6)mainway collision
- 7)collision solutions
- 8)sunrise collision -- was not even assigned to anyone
- 9)island autosports -- was not assigned to anyone

Pat Feeney looked at a lot them in question and we saw that Dan Kern was assigned to them or even Pierre .I would like a break down of how this is being calculated ,because it seems like it's only a problem on my end .Mike I know you heard me mentioned before about this is not being a fair playing field ,this is why I'm always questioning my job environment .If you guys feel that this is a problem because of me looking out for my well being, then say so. From my point of view ,this does not look good. We need sound communications and total clarity.

Everard Williams
PBE Sales
LKQ/Keystone- 339 Syosset, NY

149 Lafayette Drive, 11791

(W): 516.730.3035

(F): 516.364.1977

(M): 516.296.0394

Evawilliams@LKQCorp.com



From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: 3rd Quarter Results
Date: Sat, Oct 3, 2020 1:20 pm
Attachments: Everard Williams 3rd Qtr Sales Results.xlsx (10K)

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Wednesday, February 1, 2017 7:37 PM
To: everard_williams@hotmail.com <everard_williams@hotmail.com>
Subject: FW: 3rd Quarter Results

From: Everard Williams
Sent: Wednesday, February 01, 2017 7:34 PM
To: 'everard_williams@hotmail.com'
Subject: FW: 3rd Quarter Results

From: Michael Ketrick
Sent: Tuesday, November 15, 2016 7:51 AM
To: Everard Williams
Subject: 3rd Quarter Results

Everard,
Awesome Job ! Here it is as follows: I will call you later to review.

102% of plan. / Commision Earned \$ 1,625.00 / Mixing Machine Incentive: \$600.00 : Total :\$ 2225.00

Once again great job!

Michael J. Ketrick
PBE Area Sales Manager
Keystone Automotive PBE
310 Hansen Access Road
King of Prussia, Pa. 19406
Phone: 610-337-8710
Fax: 610-337-8730
Cell: 856-685-9779
miketrick@LKQCORP.Com

EVERARD WILLIAMS

	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	3rd Qt. Total	3rd Qt. % of Plan
2016 BUDGET	60,964	56,476	62,339	64,588	65,035	64,372	67,784	67,645	64,744	69,341	59,342	59,572	200,173	
2016 ACTUAL							66,820.63	66,532.67	70,229.65	67,762.29	28,759.41		204,209.00	102.00%
VARIANCE							963.37	1,112.33	5,485.65	1,578.71	30,582.59			

NOTES: 12 DAYS LEFT IN NOVEMBER; \$ 2,548.55 IS NEEDED PER DAY TO HIT BUDGET:



To: Williams, Everard A

From: Mike Vota

Date: Jan 1, 2018

Re: 2018 PBE Sales Rep Commission and Bonus Plan

As an important member of the LKQ team, we are excited to confirm your participation in the 2018 LKQ PBE Sales Rep Commission and Bonus Plan ("the Plan").

Your 2018 quarterly commission shall be equal to four percent (4%) multiplied by the aggregate sales growth for each quarter (comparing the applicable quarterly sales in 2018 to 2017) for your assigned customers.

In addition to the quarterly commission plan described above, you will be eligible for a year-end commission equal to two percent (2%) of the aggregate 2018 actual net sales for your assigned customers that exceed one hundred thousand dollars (\$100,000) of the aggregate 2017 actual net sales for your assigned customers.

Commission Criteria	Definition	Weight	Currency
3rd Party Net sales of Product Group 2, 3, 5 for Assigned Customers	3rd Party Net PB&E Sales Improvement Over Prior Year	100%	LCL

You will also be eligible to participate in an annual bonus, which will pay out up to ten percent (10%) of your annual base salary as of January 1, 2018. This bonus will be based on the Pretax Net Income performance of your assigned profit centers and shall be equal to your base salary as of January 1, 2018 multiplied by the percentage achieved (as listed on Exhibit I) for the period starting January 1, 2018 and ending December 31, 2018.

Annual Bonus Criteria	Definition	Weight	Currency
Net Pretax Performance versus Budget	Net Pretax of All Assigned Profit Centers	100%	LCL

In addition to the commission and bonus opportunities outlined above, you are also eligible to receive a quarterly incentive payment (i.e., a single payment payable at the end of each quarter throughout the year) for new mixing machines (netted against the loss of already placed mixing machines) placed at a customer location in 2018 ("the Mixing Machine Placement Incentive"). The Mixing Machine Placement Incentive is determined by the number of technicians – not office staff – at each new customer location, as further described on the incentive payment chart in the below example). New mixing machines placed at customer locations ("Won Accounts") will be netted against mixing machines removed from any customer locations ("Lost Accounts") in 2018 at your assigned customer locations.

Mixing Machine Placement Incentive

Number of Technicians	Payment Amount (\$)
≤ 3	\$0.00
4	\$400.00
5	\$500.00
6	\$600.00
7	\$700.00
8	\$800.00
9	\$900.00
≥ 10	\$1,000.00

Example Mixing Machine Placement Incentive

Number of Technicians	Won Accounts	Won Accounts Payment Amount (\$)	Lost Accounts	Lost Accounts Payment Deduction (\$)	Net Mixing Machine Placement Incentive Payment (\$)
≤ 3 Technicians					\$0.00
4 Technicians					\$0.00
5 Technicians	2	\$1,000.00	1	(\$500.00)	\$500.00
6 Technicians			2	(\$1,200.00)	(\$1,200.00)
7 Technicians	1	\$700.00			\$700.00
8 Technicians					\$0.00
9 Technicians					\$0.00
≥ 10 Technicians	1	\$1,000.00			\$1,000.00
Totals	4	\$2,700.00	3	(\$1,700.00)	\$1,000.00

Additional Plan Terms:

1. An assigned customer list for 2018 must be approved by your Region PBE Sales Manager, District Sales Manager or District Manager.
2. Your commission will be determined quarterly. You will not earn any commission, be entitled to any payment under the Plan, or earn any Mixing Machine Placement Incentive unless you are employed by LKQ or an LKQ affiliate through the end of each qualifying quarter and year-end for the year-end commission component.
3. The Company intends to pay each earned quarterly commission payment with 45 days of each quarter end and any earned year-end commission by February 15, 2019.
4. It is our intent to pay 2018 annual bonuses (if any) in March 2019, shortly after our year-end financial reports are audited and finalized. However, we need to inform you that under IRS regulations, all bonuses for calendar year 2018 will be paid no later than December 31, 2019.



5. All applicable taxes shall be withheld from any commission and incentive payment.
6. There will be no “interpolation” between levels of achievement on the bonus matrices. For example, 99.1% and 99.9% achievement are paid at 99% level per the matrix, not rounded up to 100%.
7. Nothing herein shall interfere with or limit the right of LKQ to terminate any person's employment at any time, with or without cause.
8. No employee shall have the right to participate in the Plan or Mixing Machine Placement Incentive or, having participated, the right to participate in the future.
9. No changes, exceptions or modifications to this letter will be recognized unless documented in writing and approved by the Region Vice President. If you believe you have an approved modification it is incumbent upon you to, through your manager, get this letter modified and approved in a timely manner.
10. The metrics used to determine the amount payable under this plan may be adjusted by the VP PBE Division to eliminate gains which he/she views as “windfalls” or to make other adjustments (favorable or unfavorable) as he/she believes are equitable.
11. The Region Vice President, or his/her designee, shall have the right to make all determinations, including interpretations of any questions, issues or ambiguities that may arise, with respect to the Plan or Mixing Machine Placement Incentive or any award under the Plan or Mixing Machine Placement Incentive. Such determinations shall be final and binding on all participants and their beneficiaries.

We look forward to all of us achieving our goals together in the coming year.

Mike Vota

Exhibit I

Net Pretax Income Achievement of Target %	Commission %
Less than 95.0%	0.0
95.0% to 95.9%	6.0
96.0% to 96.9%	6.4
97.0% to 97.9%	6.8
98.0% to 98.9%	7.2
99.0% to 99.9%	7.6
100.0% to 100.9%	8.0
101.0% to 101.9%	8.4
102.0% to 102.9%	8.8
103.0% to 103.9%	9.2
104.0% to 104.9%	9.6
105.0% and above	10.0

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: Compensation Plan..
Date: Sat, Oct 3, 2020 1:18 pm

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Friday, February 2, 2018 12:47 PM
To: Michael Ketrick <mjketrick@LKQCORP.com>
Subject: Compensation Plan..

Mike,
Hey I know Dan Kern spoke to you on a couple of matters regarding our compensation plan today. The 2017 year was under a team concept, and now in 2018 we have assigned accounts. There are some pending issues and an ongoing process that needs immediate attention. Can you give me answer as to when you will be in Syosset to finally correct these matters? Thank you.

Everard Williams
PBE Sales Representative
LKQ / Keystone Automotive
149 Lafayette Drive
Syosset, NY 11791.
Cell : 516-296-0394
Fax: 516-364-1977

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: Casino Towing..
Date: Sat, Oct 3, 2020 12:14 pm

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Thursday, May 23, 2019 1:25 PM
To: Shahrooz Moreh <smoreh@LKQCORP.com>
Subject: Casino Towing..

Shahrooz,

It is now official that they are now buying from NCS. There will be no parts, even though the parts had pretty much dried up previous, no paint Akzo Nobel Lesonal and no allied products will be purchased from Keystone any longer. Both father and son are highly upset. They don't want to speak to anyone even though they said no one will probably call anyway.

AGAIN IM JUST LETTING YOU KNOW..

Everard Williams
PBE Sales Representative
Keystone Automotive
149 Lafayette Drive
Syosset, NY 11791
Phone : 516.364.1355
Cell : 516.296.0394
Fax : 516.364.1977

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: PBE progress & misc
Date: Sat, Oct 3, 2020 12:14 pm

Regards,
Everard Williams

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Wednesday, September 18, 2019 6:58 PM
To: Shahrooz Moreh <smoreh@LKQCORP.com>
Cc: Steven Amato <sdamato@LKQCORP.com>
Subject: FW: PBE progress & misc

Shahrooz,
Here are the answers you ,Steve and myself went over. Like we discussed ,there are only 5 out 6 questions Steve and myself answered.

1) **Wins:** * Henderickson Fleet Services – account # 1093651
* King Collision account # 1090067

Losses:

- *Third Gen – in collections ,buying from NCS.
- * Jerome's Auto-body – sign contract with NCS, unhappy with service.
- * Faith Auto-body – under performing contract ,buys only parts and allied . Owner states that he is getting free paint from Finish Master in Connecticut . He owes on the consignment account.

Potential Losses:

- *All Star Collision – buying from NCS for the last 30 days now.
- * Hill Street Collision – buying more from NCS.
- * Casino Towing – buying near 100 % from NCS.
- * Bayport Auto-body – under performing contract, AR problems, now start to buy from NCS.
- * Complete Auto Repair – complains constantly about phones, deliveries for well over 6 months now, Kemperle gave him a setup of RM Diamont solvent toners and equipment.
- * Crestwood Auto-body – past AR issues, now start to buy from NCS.
- * MVA Collision – under performing contract, now buy near 100 % again from NCS.
- * A to Z – owner constantly complains about phones and deliveries and lack of a second run to his area.

2) NCS is our number competitor at the moment. Their sale staff is bashing Keystone to customers saying the we only care about sheet metal and not paint. They draw comparisons to show them that NCS have the right amount of staff to provide total services and support ,unlike Keystone , where we have one sales guy and no tech.(even though we now have Steve).Their statement.

3) A few customers are requesting or inquiring about a tech form us , and stating the fact that we don't have the right amount of people to service and support the market place. It's a huge problem now to convince a new customer to come onboard. NCS influenced.

5) Pipeline:

- * Hitman Collision – waiting on contract status.

- * Chevrolet 112 – a referral from Hitman's manager ,and are waiting on their outcome before committing .
- * Vantage Autobody – going over pricing, waiting on Pat to setup a meet and greet. I am confident that I will close this one by years end.
- * Wreck and Mend – Pat and have to go back to meet owner to go over their options. They are currently in a contract with Axalta and Kemperle.
- * Competition Autobody – a scheduling conflict with owner ,Pat Mcdonald and myself. He is still interested in paint system.

6) Value Added Services & Seminar at location:

- * 6H Training – a refresher course held at the Marriott Hotel back in January. There were 50 plus body shops attended.
- * Seymour Aerosol- organized by Everard at the North East Trade Show for them to fly in from Chicago to go over product knowledge and introduced to their manufacture rep.
- * Evercoat – Everard contacted the area sales rep to bring their presentation to Keystone for the first time in Syosset. We went over product knowledge and new items.
- * Norton – Rob Hickey and myself organized to be introduced to the new aerosol products and setup a sales blitz in the market place.
- * Pbe Conference call – bi –weekly call .

From: Steven Amato
Sent: Wednesday, September 18, 2019 10:21 AM
To: Everard Williams
Subject: Fwd: PBE progress & misc

----- Original Message -----

From: Shahrooz Moreh <smoreh@LKQCORP.com>
Date: Mon, Sep 16, 2019, 3:24 PM
To: Everard Williams <evawilliams@LKQCORP.com>, Steven Amato <sdamato@LKQCORP.com>
CC: "Thomas Holmes Sr." <stholmes@LKQCORP.com>
Subject: FW: PBE progress & misc
 Guys, lets please get this done and I would like to go over with you.
 Thank you

From: Thomas Holmes Sr.
Sent: Monday, September 16, 2019 3:08 PM
To: Shahrooz Moreh <smoreh@LKQCORP.com>; Cesar Collazo Texeira <cecollazo@LKQCORP.com>; John Iacobino <jmiacobino@LKQCORP.com>; Michael Grisko <mgrisko@LKQCORP.com>; Thomas Holmes Jr. (GM-Lakewood, NJ) <tsholmes@LKQCORP.com>; William L. Garrison <wlgarrison@LKQCORP.com>
Subject: PBE progress & misc

Team,

On the 24th I will be on the Region ASM call. Before that date I would like you to gather up data regarding wins, losses, people, infrastructure and challenges in your respective markets.

1. *I don't need a granular review but gross revenue numbers plus and minus resulting from wins and losses will suffice. Numbers of wins and losses by account.*
2. *Which competitor is presenting the biggest challenge and why?*
3. *How is you Team? Do you have the correct number of SSR's and Sales people and more importantly are they the right people. Do you have any prospects?*

4. *What is on your wish list with respect to vehicles, gear, equipment, widgets, etc. and how would you benefit from having them?*
5. *Pipeline. Not pipedream BTW. Who are we chasing, close to closing, ready to demo, etc.?*
6. *Have you held or scheduled any value added PBE seminars at your location through year end?*

Please have this info to me by the 20th at the latest

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: WC CLAIM..
Date: Sat, Oct 3, 2020 12:12 pm

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Tuesday, February 4, 2020 8:52 AM
To: Shahrooz Moreh <smoreh@LKQCORP.com>
Subject: WC CLAIM..

Shahrooz,
Hey I was told by the Claims Department that a supervisor or a manager have to call in the injured employee claim, that employee cannot do it them self. Could you please call it in asap , because I need to seek other treatment right away, and send me the claim number.
Thank you.

Everard Williams
PBE Sales Representative
Keystone Automotive
149 Lafayette Drive
Syosset, NY 11791
Phone : 516.364.1355
Cell : 516.296.0394
Fax : 516.364.1977

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: Claim #
Date: Sat, Oct 3, 2020 12:12 pm

Attachments:

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Tuesday, February 4, 2020 4:19 PM
To: everard_williams@hotmail.com <everard_williams@hotmail.com>
Subject: Fwd: Claim #

Everard Williams
PBE Sales Representative
Keystone Automotive
149 Lafayette Drive
Syosset, NY 11791
Phone : 516.364.1355
Cell : 516.296.0394
Fax : 516.364.1977

----- Original Message -----

From: Beth Preston <BPreston@LKQCORP.com>
Date: Tue, Feb 4, 2020, 3:14 PM
To: Everard Williams <evawilliams@LKQCORP.com>
Subject: Claim #
Hi

Below is the information on your claim
If you have any questions or issues let me know

Claim # 20F56J206272 - WILLIAMS, EVERARD - 1/28/2020

Adjuster: Mitas, Ruth
Email: rmitas@ccmsi.com
Phone: 732-643-3413

Thank you



Beth Preston
Regional HR Manager
48 Slocum Ave | Exeter, PA 18643
Office 570-451-7116 | efax 855-614-8270
bpreston@lkqcorp.com

For questions related to Payroll, Benefits, HR Policy & HR Systems, please contact the HR Services Team:
HR Services: 615-258-5983
HR@lkqcorp.com

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: 1st Quarter MM bonus..
Date: Sat, Oct 3, 2020 12:14 pm

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Thursday, May 23, 2019 2:28 PM
To: Shahrooz Moreh <smoreh@LKQCORP.com>
Subject: 1st Quarter MM bonus..

Shahrooz,
Hey can you verify if the bonus is paying out in tomorrow's pay check ? I'm wondering why so long after the quarter have been over. Its been about 45 days or more. A bit long.
Thank you
Everard Williams
PBE Sales Representative
Keystone Automotive
149 Lafayette Drive
Syosset, NY 11791
Phone : 516.364.1355
Cell : 516.296.0394
Fax : 516.364.1977

From: everard_williams@hotmail.com,

To: employmentmatters@aol.com,

Date: Tue, Nov 3, 2020 10:10 am

Attachments:

DISABILITY CERTIFICATE

Date: 2/12/2020

This is to certify that:
Everard Williams

has been under my professional care and was
totally incapacitated from 2/12/2020
to 2/19/2020

Remarks:
Patient should not work
due to pain related to an
MVA on 1/28/2020

Dr. Julie R. 37 State St
To Register: 1600 Main St, NY 10331

DISABILITY CERTIFICATE 1003

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

Beth , I told you that I reached out to Jan Lombardi and left a message. You said that you got and was about to reach out to me.I mentioned all that I stated above that I'm dealing with Shahrooz. You told the claim is valid,go seek treatment when I need to go, on company etc, get myself better.

Today I went back n forth with Shahrooz, it got heated.He ask me what is going on, why I'm going to the hospital. I said I never mentioned hospital to Barry and Nelly, the ones who was present at time on the conference call.I said to Shahrooz you dont even care about my well being.Why I'm I going to hospital I told him that he gave me the run around on Monday , knowing that I cant make a claim on myself.I ask him how long you have been a GM , you must know this law by now. Shahrooz said he dont.He then stated that I'm pissing him off and ask someone I'm assuming.that was present for this call to close the door , because he needs to speak to me the way he wants. I told him that you have the nerve to be pissed off, I know you want me off your books, you only care about you P&L .Let's get HR involved, because I said that I dont want talk to him any because he is upsetting me, giving a headache and stressing me out..Shahrooz said that I need to come into office when I'm finished doing what I have to do.I ask are gonna fire me, go ahead.I ask him , didn't you speak to HR about this situation, he never answered me on that. I am gonna go in to the warehouse .I'm not gonna tolerate anything from him .He is clever , cunning and vindictive individual. I don't know how he last so long in this role.

Beth I am now OFFICIALLY stating to you that I want file a complaint against Shahrooz Moreh , GM at the Syosset Location.

Why is he inquiring from other people if I'm working or not, and continues to question my injury .He just have no conscience and heart, he doesn't follow the law.It is very difficult to do my job.I said to Shahrooz, this is how you treating me, when I was simply asking for help in getting a claim number to go get treament since Monday.Im an employee who have been working their butt off doing two jobs, one as a sales rep and a technical rep.for two yers or more.Last week Thursday when Shahrooz, Rob Harlan and Travis Perry was at Impressive Autobody convincing them to stay on board with us.I was the one who stayed behind to help with a color match.They all know I got sick in the past working there because of unsafe environment .

Beth I've been more that than a team player, I've been wearing multiple hats.Is this the culture LKQ wants to project and practice for their employees? It's been 5 years working here and this is the worst situation I've had to deal with.

Thank you

Everard Williams
PBE Sales Representative
Keystone Automotive
149 Lafayette Drive
Syosset,NY 11791
Phone : 516.364.1355
Cell : 516.296.0394
Fax : 516.364.1977

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: Shahrooz,
Date: Sat, Oct 3, 2020 12:12 pm

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Thursday, February 6, 2020 11:05 AM
To: Beth Preston <BPreston@LKQCORP.com>
Cc: Jan Lombardi <jlombardi@LKQCORP.com>
Subject: Shahrooz,

Beth,
Good morning,

I want to let you know that after a heated conversation with Shahrooz, he asked me to come to Syosset. We had a conference call this morning, so I called in at the time to be present only to find out that Caesar and Shahrooz was not in at this time.. Barry and Nelly was on so I simply tell them that I'm going to an appointment to get some xrays done. Shahrooz called me a while after to ask if I was working and why I'm going to the hospital. I told him yes I'm working, he then said that I cant be doing this. He then ask what is going on with me. I told Shahrooz that you didn't even follow up with what is going on, but because you were told I'm going for xrays, you called me inquiring and asking if I'm going to the hospital. I then told Shahrooz that he only care about his Profit and Loss and his car, he doesn't give a damn about me.

Shahrooz said I'm really pissing him off now and said that he called in to get the Workers Compensation Claim in ten minutes. He ask if I saying if he is lying..

I said the Shahrooz that I got hurt on the job last 01/28/20, I told him I was banged up, the police report stated I was injured. On Monday 02/03/20 I came into the office, gave him a copy of the police report, ask him to file the claim. Shahrooz asked why and I told him I'm I discomfort, soreness and pain. I needed to simply go to the chiropractor. He pulled journal of sort gave me the number and said you go call in the claim.

I dont know how it works, so I did, and was told that a report is in and an adjuster will contacting me. I told Shahrooz and left the warehouse. Later that day the chiropractor called inquiring on the claim number so that can come in ro start the treatment. I informed them that I didn't received it yet., so at night I double dose my meds to have some level of comfort to function.

Now on Tuesday morning something tell me that this is taking too long and I needed to go in to chiropractor with or without this claim number. I called back the claims department only to find out that there is a claim for the car only, and I cant make a claim myself, a supervisor or manager have to file it. I immediately sent an email to Shahrooz stating the news from the claims department. He email back in short time saying for me to come in to do and he is leaving at 11.30 that day.

I didn't understand why I have to go to the office, when he the GM can do this. I was on the Southern State Pwky heading to Eastern Long Island. So I called Shahrooz on it and first thing he said was why do I need this claim, ask if im I working today. He gonna put me on medical leave and let me deal with the State. He ask if he get this claim number and give it to the chiropractor for a visit, and they want me to come in at 3pm that day, he ask what I'm I going to do. I said I guess I will be going in. Shahrooz then said I can't do that on company time. I went back and forth and simply said I need treatment, why are you being this way. He said well then I'm gonna call. Shahrooz called me back, gave me a report number that override the original report of just the car. He started to tell me that he is going to put me on medical leave, I cant go see the doctor absolutely on company time. He will come get the car and get it repaired. The adjuster is gonna call me to investigate the claim to figure if its valid or not, I'm gonna have to deal with the State on what, how and if I'm gonna get pay, partially or none. The day before he told me that he is going dispute my pay because of the two days i had to take off. I

then said I can't do that on company time .I went back and forth and simply said I need treatment, why are you being this way. He said well then I'm gonna call. Shahrooz called me back , gave me a report number that override the original report of just the car .He started to tell me that he is going to put me on medical leave, I cant go see the doctor absolutely on company time.He will come get the car and get it repaired. The adjuster is gonna call me to investigate the claim to figure if its valid or not, I'm gonna have to deal with the State on what, how and if I'm gonna get pay, partially or none.The day before he told me that he is going dispute my pay because of the two days i had to take off.I mentioned to him that could be considered pto time if that's where you taking this.

Beth , I told you that I reached out to Jan Lombardi and left a message. You said that you got and was about to reach out to me.I mentioned all that I stated above that I'm dealing with Shahrooz. You told the claim is valid,go seek treatment when I need to go, on company etc, get myself better.

Today I went back n forth with Shahrooz, it got heated.He ask me what is going on, why I'm going to the hospital. I said I never mentioned hospital to Barry and Nelly, the ones who was present at time on the conference call.I said to Shahrooz you dont even care about my well being.Why I'm I going to hospital

I told him that he gave me the run around on Monday , knowing that I cant make a claim on myself.I ask him how long you have been a GM , you must know this law by now. Shahrooz said he dont.He then stated that I'm pissing him off and ask someone I'm assuming.that was present for this call to close the door , because he needs to speak to me the way he wants. I told him that you have the nerve to be pissed off, I know you want me off your books, you only care about you P&L .Let's get HR involved, because I said that I dont want talk to him any because he is upsetting me, giving a headache and stressing me out..Shahrooz said that I need to come into office when I'm finished doing what I have to do.I ask are gonna fire me, go ahead.I ask him , didn't you speak to HR about this situation, he never answered me on that. I am gonna go in to the warehouse .I'm not gonna tolerate anything from him .He is clever , cunning and vindictive individual. I don't know how he last so long in this role.

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Beth I've been more that than a team player, I've been wearing multiple hats.Is this the culture LKQ wants to project and practice for their employees? It's been 5 years working here and this is the worst situation I've had to deal with.

Thank you

Keystone Automotive
149 Lafayette Drive
Syosset, NY 11791
Phone : 516.364.1355
Cell : 516.296.0394
Fax : 516.364.1977

From: everard_williams@hotmail.com,
To: employmentmatters@aol.com,
Subject: Fw: Syosset- Shahrooz.. 02/05/20
Date: Sat, Oct 3, 2020 12:12 pm

*Regards,
Everard Williams*

From: Everard Williams <evawilliams@LKQCORP.com>
Sent: Monday, February 10, 2020 9:43 AM
To: Beth Preston <BPreston@LKQCORP.com>
Subject: Syosset- Shahrooz.. 02/05/20

Hi Beth,

I'm just simply informing you on this. I hope this will be the last ..

As I stated to you Beth when we spoke on Wednesday morning that Shahrooz and I spoke over the phone, it end up being heated because he was questioning why I'm going to the hospital and what I'm doing. The conversation was heated because he was not hearing anything I was saying or paying attention to anything at this time. Shahrooz said that I was pissing him off because I said he was giving me the run around since Monday the 3rd.. That is factual..

I spoke to you right before I went in to get xrays that morning. After I went to Syosset to meet with Shahrooz, so I asked Doug Groser and Steven Amato to be witnesses to the conversation.

Shahrooz said that he dont know the correct procedures and that after I ask him the report the claim, he said he came back with a report number in 10 -12 minutes on Tuesday. I told Shahrooz that it was a day later and I told him let's get HR involved for him to comply. We went back and forth , It got heated because some things he acknowledged and then keep saying that he called it in and get me the info 10-12 minutes on Tuesday.

I asked him how could he say I'm pissing him for asking and being upset on reporting this Worker's Compensation claim, I'm i not supposed to be upset with him. He was giving me the run around and I told him that now you're pissing me off. I tried to explain to him how everything unfolded and all I asked of him since Monday was to file the claim so I can go get treatment. Shahrooz said I'm making a big deal out of this. I left it as I'm taking care of health and he is sticking to his story.

Beth I'm only informing you. I will avoid him and respect as my manager but I'm not gonna allow Shahrooz to harrassed or upset me further.

Thank you..

Everard Williams
PBE Sales Representative
Keystone Automotive
149 Lafayette Drive
Syosset, NY 11791
Phone : 516.364.1355
Cell : 516.296.0394
Fax : 516.364.1977

Fw: Shahrooz,

Everard Williams <everard_williams@hotmail.com>

Sat 10/3/2020 1:12 PM

To: Doug Walton <employmentmatters@aol.com>

Regards,

Everard Williams

From: Everard Williams <evawilliams@LKQCORP.com>

Sent: Thursday, February 6, 2020 11:05 AM

To: Beth Preston <BPreston@LKQCORP.com>

Cc: Jan Lombardi <jlombardi@LKQCORP.com>

Subject: Shahrooz,

Beth,

Good morning,

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From: everard_williams@hotmail.com,

To: employmentmatters@aol.com,

Date: Tue, Nov 3, 2020 10:10 am

Attachments:

RETURN TO WORK/SCHOOL/P.E.
Date 2/24/2020
This is to certify that Everard Williams
has recovered sufficiently to be able to return to:
☒ light ☐ regular
☐ school ☐ P.E. duties on:
Restrictions: patient was unable to work
from 2/19/2020 - 2/24/2020. He can
return to work 1/1/2021 for this time.
Remarks: He cannot drive more than 30 min.
per trip / 1/1/21 no more than 10 hrs. in push
chair) more than 10 lbs. due to his
MRSA Low Back, Neck and MS Pain.
DR. [Signature]
(567) 93-3093
37 Atlantic Ave
LYN, NY 11563
To Order: Call 800-650-8044
130-0089
Return To Work/School/P.E.

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)



October 27, 2020

Everard Williams
187 Fir St.
Valley Stream, NY 11580

RE: FMLA Leave of Absence

Dear Mr. Williams,

This letter is to inform you that we received notice indicating that you are, or will be, away from your position on an Leave of Absence (LOA) beginning **10/27/2020**. In particular, it is the Company's understanding that you are completely unable to work at this time and that you have not performed work in any capacity for either the Company, or any other employer, as a result of or in response to your medical condition. Please confirm this understanding via return email to hrleaveofabsence@lkqcorp.com within 15 days (i.e., **11/11/2020**).

To determine if your Leave of Absence will qualify under the Family Medical Leave Act (FMLA), we need documentation from you. Enclosed you will find the following forms:

- ☐ Your rights under the Family Medical Leave Act (FMLA)
- ☐ Certification of Health Care Provider
- ☐ Job Description
- ☐ Payroll schedule and benefit premium coupons

Please have your **medical care provider** complete the Certification of Healthcare Provider form and return it to us within 15 days (i.e., **11/11/2020**). If we do not receive the required form(s) within 15 days, we may not be able to approve your Leave of Absence under the FMLA and, as a result, you may receive discipline for any unapproved absences, up to and including termination of employment. Please note that we will not accept a doctor's note in place of the Certification of Healthcare Provider form.

You elected to participate in the voluntary short-term disability plan, which is administered by Lincoln Financial Group (LFG); you may be eligible to receive disability payments while on leave of absence. **To file a claim, you must contact LFG toll-free at 1-866-783-2255. If the state you work in offers state-sponsored disability insurance, you may be eligible to collect funds from that insurance – it is your responsibility to contact your state disability department to request a claim form and/or to file a claim with your state.** The LFG plan offers a 60% benefit for eligible employees, who elected to participate and have their disability deductions come out of their paycheck. If any state-sponsored disability insurance benefit pays 60% or more, you will collect only from the state plan. If any state-sponsored disability insurance benefit pays less than a 60% benefit, you may be eligible to collect from both insurances, up to a maximum of 60%.

One of the company paid benefits LKQ provides to full-time employees is Long Term Disability (LTD). Enrollment for this benefit is automatic and at no cost to the employee. The plan is administered by Lincoln Financial Group and you may be eligible to receive disability payments if your leave of absence qualifies and **extends beyond 90 days**. To file a claim contact Lincoln Financial Group at 800-423-2765.

During your Leave of Absence, you will be required to use paid accrued PTO. In addition, during your leave, you must make bi-weekly payment(s) for all your elected benefit premium(s) at the rate you currently have deducted from your payroll check. **The 2020 bi-weekly amount you are responsible for is \$67.74.** If you are receiving a paycheck with either regular and/or PTO, these deductions will continue to be subtracted from your check. Otherwise, it is your responsibility to make the payments in order to keep your benefits in effect. **Checks should be made payable to LKQ/Keystone Automotive and mailed to the address below to the attention of the Benefits Department.** For your convenience, we have enclosed a payroll schedule.

When you return to work, your benefits will NOT be reinstated automatically. Please contact the Benefits Department on your return to work date to receive your new benefits effective date. When you return to work, we will conduct a premium audit to determine if any deductions were missed and we will deduct that balance owed against future payroll checks.

Please note that we approved your previous workers' compensation FMLA leave from **2/12/2020 - 2/25/2020**, wherein you used **1 week and 5 days** of your 12-week FMLA entitlement. You have **10 weeks and 2 days** remaining of your 12-week FMLA Entitlement.

If you are not able to return to work before your **FMLA Exhaust date of 1/7/2021**, your benefits will end at 11:59 P.M. on such date and you will be offered **COBRA** on the next day for continuation of your benefits. We will coordinate having your COBRA materials mailed to you from Wage Works COBRA Administrator.

During your Leave of Absence, you must keep regular contact with the Benefits Department regarding your return to work date. If the dates of your scheduled leave change or are extended, you must notify us as soon as practicable. When you are ready to return to work, you must provide a note from your health care provider stating that you are able to perform the essential functions of your job, with or without reasonable accommodations. This note must be given to the Benefits Department prior to your return date. If such certification is not timely received, your return to work may be delayed until certification is provided. A copy of the essential functions of your position has been attached to this correspondence so that you can provide it to your medical care provider.

If you have any questions, please contact the Benefits Department at 877-496-8635.

Sincerely,

Jonathan Revell

Jonathan Revell
HR Leaves Analyst
LKQ Corporation Benefits Department
5846 Crossings Blvd
Antioch, TN 37013

Please return the form to either secure eFax: 855-327-8961 or Email: hrleaveofabsence@lkqcorp.com